

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

RAVEN MAYON #700045

CASE NO. 6:24-CV-00497 SEC P

VERSUS

JUDGE DAVID C. JOSEPH

BLAKE GIOUR

**MAGISTRATE JUDGE CAROL B.
WHITEHURST**

MEMORANDUM ORDER

Before the Court is a civil rights Complaint under 42 U.S.C. § 1983 (ECF No. 4) filed by pro se Plaintiff Raven Mayon (“Mayon”). Mayon is incarcerated at the St. Mary Parish Jail in Centerville, Louisiana. He alleges that Defendant Blake Giour subjected him to excessive force in violation of his constitutional rights.

Because Mayon provides insufficient facts to support his claim, he must AMEND the Complaint.

I. Background

Mayon alleges that Officer Giour punched him in the face and slammed him to the ground during his arrest. ECF No. 4.

II. Instructions to Amend

In *Heck v. Humphrey*, 512 U.S. 477 (1994), the Supreme Court explained that § 1983 suits for damages cannot proceed where “a judgment in favor of the plaintiff would necessarily imply the invalidity of [the § 1983 plaintiff’s] conviction or sentence.” *Id.* at 487. In such cases, “the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.” *Id.*

Mayon does not allege why he was arrested, what charges were brought against him, or whether he was convicted of any of the charges. He must amend the Complaint accordingly.

Furthermore, 42 U.S.C. § 1997e(e) provides that “[n]o federal civil action may be brought by a prisoner confined to a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.” In amending his Complaint, Mayon must also allege what injury he suffered because of the alleged use of force, and whether he required medical treatment.

III. Conclusion

IT IS ORDERED that Mayon AMEND his Complaint within 30 days of the filing of this Order to provide the information outlined above, or dismissal of this action will be recommended under Rule 41(b) of the Federal Rules of Civil Procedure.

Mayon is required to notify the Court of any change in his address under Rule 41.3 of the Local Rules for the Western District of Louisiana.

SIGNED on Thursday, October 24, 2024.

A handwritten signature in black ink, appearing to read "Carol B. Whitehurst", is written over a horizontal line.

CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE